

## Federal Acquisition Regulation

## 4.1202

number, or, if applicable, the DUNS+4, in accordance with agency procedures.

[59 FR 67018, Dec. 28, 1994, as amended at 71 FR 36924, June 28, 2006]

### 4.1104 Solicitation provision and contract clauses.

Except as provided in 4.1102(a), use the clause at 52.204-7, Central Contractor Registration, in solicitations and contracts.

[59 FR 67018, Dec. 28, 1994, as amended at 71 FR 36924, June 28, 2006]

## Subpart 4.12—Annual Representations and Certifications

SOURCE: 69 FR 76345, Dec. 20, 2004, unless otherwise noted.

### 4.1200 Scope.

This subpart prescribes policies and procedures for requiring prospective contractors to submit Annual Representations and Certifications via the Online Representations and Certifications Application (ORCA), a part of the Business Partner Network (BPN), to—

- (a) Eliminate the administrative burden for contractors of submitting the same information to various contracting offices; and
- (b) Establish a common source for this information to procurement offices across the Government.

### 4.1201 Policy.

(a) Prospective contractors shall complete electronic annual representations and certifications at <http://orca.bpn.gov> in conjunction with required registration in the Central Contractor Registration (CCR) database (see FAR 4.1102).

(b) Prospective contractors shall update the representations and certifications submitted to ORCA as necessary, but at least annually, to ensure they are kept current, accurate, and complete. The representations and certifications are effective until one year from date of submission or update to ORCA.

(c) Data in ORCA is archived and is electronically retrievable. Therefore, when a prospective contractor has completed representations and certifi-

cations electronically via ORCA, the contracting officer may reference the date of ORCA verification in the associated Government contract file, rather than including a paper copy of the electronically-submitted representations and certifications in the file. Such a reference satisfies contract file documentation requirements of 4.803(a)(11). However, if an offeror identifies changes to ORCA data pursuant to the FAR provisions at 52.204-8(c) or 52.212-3(k), the contracting officer must include a copy of the changes in the contract file.

[69 FR 76345, Dec. 20, 2004, as amended at 71 FR 57363, Sept. 28, 2006]

### 4.1202 Solicitation provision and contract clause.

Except for commercial item solicitations issued under FAR Part 12, insert in solicitations the provision at 52.204-8, Annual Representations and Certifications. When the clause at 52.204-7, Central Contractor Registration, is included in the solicitation, do not include the following representations and certifications:

- (a) 52.203-2, Certificate of Independent Price Determination.
- (b) 52.203-11, Certification and Disclosure Regarding Payments to Influence Certain Federal Transactions.
- (c) 52.204-3, Taxpayer Identification.
- (d) 52.204-5, Women-Owned Business (Other Than Small Business).
- (e) 52.209-5, Certification Regarding Debarment, Suspension, Proposed Debarment, and Other Responsibility Matters.
- (f) 52.214-14, Place of Performance—Sealed Bidding.
- (g) 52.215-6, Place of Performance.
- (h) 52.219-1, Small Business Program Representations (Basic & Alternate I).
- (i) 52.219-2, Equal Low Bids.
- (j) 52.219-19, Small Business Concern Representation for the Small Business Competitiveness Demonstration Program.
- (k) 52.219-21, Small Business Size Representation for Targeted Industry Categories Under the Small Business Competitiveness Demonstration Program.
- (l) 52.219-22, Small Disadvantaged Business Status (Basic & Alternate I).

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(m) 52.222-18, Certification Regarding Knowledge of Child Labor for Listed End Products.

(n) 52.222-22, Previous Contracts and Compliance Reports.

(o) 52.222-25, Affirmative Action Compliance.

(p) 52.222-38, Compliance with Veterans' Employment Reporting Requirements.

(q) 52.222-48, Exemption from Application of Service Contract Act Provisions—Contractor Certification.

(r) 52.223-4, Recovered Material Certification.

(s) 52.223-9, Estimate of Percentage of Recovered Material Content for EPA-Designated Products (Alternate I only).

(t) 52.223-13, Certification of Toxic Chemical Release Reporting.

(u) 52.225-2, Buy American Act Certificate.

(v) 52.225-4, Buy American Act—Free Trade Agreements—Israeli Trade Act Certificate (Basic, Alternate I & II).

(w) 52.225-6, Trade Agreements Certificate.

(x) 52.226-2, Historically Black College or University and Minority Institution Representation.

(y) 52.227-6, Royalty Information (Basic & Alternate I).

(z) 52.227-15, Representation of Limited Rights Data and Restricted Computer Software.

[69 FR 76345, Dec. 20, 2004, as amended at 71 FR 36931, June 28, 2006]

#### 48 CFR Ch. 1 (10-1-06 Edition)

### Subpart 4.13—Personal Identity Verification of Contractor Personnel

SOURCE: 71 FR 211, Jan. 3, 2006, unless otherwise noted.

#### 4.1300 Policy.

(a) Agencies must follow Federal Information Processing Standards Publication (FIPS PUB) Number 201, "Personal Identity Verification of Federal Employees and Contractors," and the associated Office of Management and Budget (OMB) implementation guidance for personal identity verification for all affected contractor and subcontractor personnel when contract performance requires contractors to have physical access to a federally-controlled facility or access to a Federal information system.

(b) Agencies must include their implementation of FIPS PUB 201 and OMB guidance M-05-24, dated August 5, 2005, in solicitations and contracts that require the contractor to have physical access to a federally-controlled facility or access to a Federal information system.

(c) Agencies shall designate an official responsible for verifying contractor employee personal identity.

#### 4.1301 Contract clause.

The contracting officer shall insert the clause at 52.204-9, Personal Identity Verification of Contractor Personnel, in solicitations and contracts when contract performance requires contractors to have physical access to a federally-controlled facility or access to a Federal information system.